

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

**Scott Powers, individually, as
Representative of the Estate of Erika Zak,
and as the natural guardian of L.P., a
minor,**

Plaintiff,

v.

**Constantinos Sofocleous and
Memorial Sloan Kettering Cancer
Center,**

Defendants.

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**CIVIL ACTION NO.
1:20-cv-02625**

DECLARATION OF SCOTT M. HENDLER

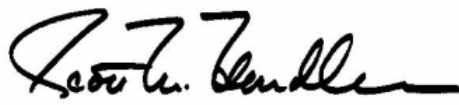
I, SCOTT M. HENDLER, do declare upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. §1746, that I am admitted to this Court *pro hac vice* to represent the Plaintiff in the above-referenced matter in of the State of New York, and that the following is true and correct:

1. I am an attorney admitted *pro hac vice* to this Court and I am a Partner with Hendler Flores Law, PLLC, attorneys for Plaintiff Scott Powers in the above-styled case. I submit this Declaration in opposition to Defendants' Motion in Limine number 6.
2. **Exhibit A to Motion in Limine Number 6** is a true and correct copy of relevant portions of Dr. Lopez's deposition.
3. **Exhibit B to Motion in Limine Number 6** is a true and correct copy of an email between Drs. Mayo and Kemeny, produced by Defendants as Kemeny Emails_005.
4. **Exhibit C to Motion in Limine Number 6** is a true and correct copy of Erika Zak's medical record, produced by Plaintiffs as ZAK_NY 001002-03.

5. **Exhibit D to Motion in Limine Number 6** is a true and correct copy of Dr. DeMatteo's report.
6. **Exhibit E to Motion in Limine Number 6** is true and correct copy of a webpage *Rectal Cancer Disappears After Experimental Use of Immunotherapy*, MEMORIAL SLOAN KETTERING CANCER CENTER (June 5, 2022), located at <https://www.mskcc.org/news/rectal-cancer-disappears-after-experimental-use-immunotherapy>.
7. **Exhibit F to Motion in Limine Number 6** is true and correct copy of Mr. Stan Smith's report.
8. A true and correct copy of *Arista Records LLC v. Lime Grp. LLC*, No. 06 CV 5936 (KMW), 2011 U.S. Dist. LEXIS 47416 (S.D.N.Y. Apr. 29, 2011) is attached, pursuant to Your Honor's Individual Rule III.B.2

Respectfully submitted,

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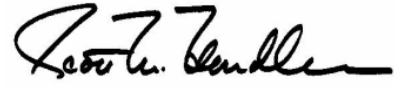
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on August 24, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record for Defendants.

A handwritten signature in black ink, appearing to read "Scott M. Hendler", written over a horizontal line.

Scott M. Hendler